

BILL NO. Z-73-02-09

ZONING MAP ORDINANCE NO. Z-12-73

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. E1, E2, F1, F2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B district under the terms of Chapter 26, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. E1, E2, F1, F2 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

W. 26 ft., Lot #3, Lot # 4, 5 and 6  
Homestead Park Addition and Lot #1,  
2 and 3 Litchfields Addition.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY,

  
CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations ( and to the City Plan Commission for recommendation) and Public Hearing ~~to be held after due legal~~ notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 1973, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 2/13/73

Charles W. Thierman  
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Talarico, and duly adopted, placed on its passage. Passed (~~LOST~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____	to-wit:
BURNS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
HINGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
KRAUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
NUCKOLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
MOSES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
SCHMIDT, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
STIER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
TALARICO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Date: 4/11/73

Charles W. Thierman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (~~Resolution~~) No. 3-12-73 on the 11th day of September, 1973.

ATTEST:  
Charles W. Thierman  
CITY CLERK

(SEAL)  
Charles W. Thierman  
PRESIDENT OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of September, 1973, at the hour of 10:00 o'clock A. M., E.S.T.

Charles W. Thierman  
CITY CLERK

Approved and signed by me this 13th day of September, 1973, at the hour of 3:40 o'clock P. M., E.S.T.

Dean A. Reham  
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 13, 1973, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-73-02-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,


WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 19, 1973;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 26, 1973.

Certified and signed this  
5th day of September, 1973.

  
\_\_\_\_\_  
Gretchen Wiegand  
Secretary

Bill No. Z-73-02-09

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
amending the City of Fort Wayne Zoning Map No. E1, E2, F1, F2.

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance DO PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

*John Nuckols*  
*Vivian G. Schmidt*  
*William T. Hinga*  
*Paul M. Burns*  
*Donald J. Schmidt*

9.11.72  
DATE 9.11.72 CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK

## RECEIPT

N<sup>o</sup> 178

GENERAL FUND

FT. WAYNE, IND. 1/22 19 73RECEIVED FROM L.B.H. Associates \$ 50.00THE SUM OF Fifty and 00/100 <sup>100</sup> DOLLARSON ACCOUNT OF Lots 3, 4, 5, & 6 Homestead Park Ed.  
" 1, 2, & 3 Litchfield's Addition  
Bart Steele  
AUTHORIZED SIGNATURE



PETITION FOR ZONING ORDINANCE AMENDMENT

Receipt No. \_\_\_\_\_

TO: COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA

Date Filed \_\_\_\_\_  
Intended Use Restaurant

I/We Lester E. Frankenstein, Bernard J. Frankenstein, Hannah F. Zacher  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R#2 District to a/an B1B District the property described as follows:

W. 26 ft., Lot #3, Lot #4, 5 and 6 Homestead Park Addition and  
Lot #1, 2 and 3 Litchfields Addition.

(Legal Description)

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Lester E. Frankenstein 3487 East Ave., New York

Bernard J. Frankenstein 1821 Hawthorne Rd.

Hannah F. Zacher 3801 N. Washington Rd.

(Name)

(Address)

(Signature)

Legal Description Checked By: \_\_\_\_\_  
(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

Al Zacher  
(Name)

716 So. Barr St.,  
(Address)

422-8474  
(Telephone Number)

City Plan Commission, City-County Building, Room 800, One Main Street,  
Fort Wayne, Indiana 46802 Telephone Number 423-7571

DIGEST SHEETTITLE OF ORDINANCE Zoning Map OrdinanceDEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE \_\_\_\_\_

Preparation of a Zoning Map Amendment Ordinance petition initiated by propertyowners to rezone property located as follows:W. 26ft., Lot #3, Lot #4, 5 and 6 in Homestead Park Addition and Lot #1, 2 and3 in Litchfields Addition.

EFFECT OF PASSAGE \_\_\_\_\_

EFFECT OF NON-PASSAGE \_\_\_\_\_

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (~~IN~~) Regulation



# ORDINANCE CHECK-OFF SHEET

## INFORMATION REGARDING ORDINANCE

## CONTENTS OF ORDINANCE

BILL NO.	2-73-02-09.
ORDINANCE NO.	3-12-73
<input checked="" type="checkbox"/> REGULAR SESSION	2-13-73
<input type="checkbox"/> SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	Keller.
BILL WRITTEN BY	City Plan.
DATE INTRODUCED	2-13-73
REFERRED TO SAID STANDING COMMITTEE	Nuckols Regulations
REFERRED TO CITY PLAN	
SPECIAL PUBLIC HEARING	
<input checked="" type="checkbox"/> LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
<input checked="" type="checkbox"/> PASS	4-11-73
DO NOT PASS	
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

<input checked="" type="checkbox"/>	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOTE SHEET
<input type="checkbox"/>	PURCHASE ORDERS
<input type="checkbox"/>	BIDS
<input type="checkbox"/>	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
<input type="checkbox"/>	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
<input type="checkbox"/>	From Cited to Newspaper COMMUNICATIONS FROM
<input checked="" type="checkbox"/>	ZONING MAPS
<input type="checkbox"/>	Petitioners for zoning and <sup>ordinances</sup> ABSTRACTS
<input type="checkbox"/>	Zoning regulations from City Plan
<input type="checkbox"/>	TITLES
<input type="checkbox"/>	PRIOR APPROVAL LETTER

Deputy Clerk.

## COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS	X		
HINGA	X		
KRAUS	X		
MOSES	Y		
NUCKOLS	Y		
D. SCHMIDT	Y		
V. SCHMIDT	X		
STIER	X		
TALARICO	X		

COMMENTS:



CITY OF FORT WAYNE  
CITY-COUNTY BUILDING  
ONE EAST MAIN STREET  
FORT WAYNE, INDIANA 46802

CHARLES W. WESTERMAN  
CITY CLERK

September 18, 1973

Miss Helen Libbing  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, Indiana 46802

Dear Miss Libbing:

Please give the attached full coverage on the dates of September 19 and September 26, 1973, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, Indiana:

Zoning Map No. Z-12-73  
Amending the City of Fort Wayne  
Zoning Map No. E1, E2, F1, F2.

Zoning Map No. Z-11-73  
Amending the City of Fort Wayne  
Zoning Map No. BB9.

Zoning Map No. Z-13-73  
Amending the City of Fort Wayne  
Zoning Map No. C3, D3.

Zoning Map No. Z-14-73  
Amending the City of Fort Wayne  
Zoning Map No. F7, F9

Please send us four (4) copies of the Publisher's Affidavit.

Thank you.

Sincerely,

*Charles W. Westerman*  
Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 4

Common Council-City of Ft. Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	_____
Head number of lines	_____
Body number of lines	79
Tail number of lines	2
Total number of lines in notice	81

## COMPUTATION OF CHARGES

81 lines, _____ columns wide equals _____ equivalent lines at .288¢ cents per line	\$23.33
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	_____
Charge for extra proofs of publication (50 cents for each proof in excess of two) (2)	1.00
TOTAL AMOUNT OF CLAIM	\$24.33

## DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type 5 1/2 point
Number of insertions 2	Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date September 27, 1973

Title CLERK

Notice is hereby given that on the 11th day of September, 1973, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. 2-12-73 Zoning Map Ordinance, to-wit:

BILL NO. 2-12-73

ORDINANCE NO. 2-12-73  
AN ORDINANCE amending the City of Fort Wayne Zoning Map No. E1, E2, F1, F2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B district under the terms of Chapter 26, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2-26 and amendments thereto; and the symbols of the City of Fort Wayne Zoning Map No. E1, E2, F1, F2 referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

W. 28 ft., Lot No. 3, Lot No. 4, 5 and 6 Homestead Park Addition and Lot No. 1, 2 and 3 Litchfield Addition.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

JOHN NUCKOLLS,

Clerk

Read the third time in full and on motion by Nuckolls seconded by Tolario, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine—Burns, Edgema, Kraus, Nuckolls, Moses, D. Schmidt, V. Schmidt, Siler, Tolario.

Nays: None.

Date: 9-11-73

Charles W. Westerman

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. 2-12-73 on the 11th day of September, 1973.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses,

City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of September, 1973, of the hours of 10:00 o'clock A.M., E.S.T.

Charles W. Westerman City Clerk

Approved and signed by me this 12th day of September, 1973, at the hour of 3:00 o'clock P.M., E.S.T.

Ivan A. Lebamoff Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Zoning Map Ordinance No. A-12-73 passed by the Common Council on the 11th day of September, 1973, and that said Ordinance was duly signed and approved by the Mayor on the 12th day of September, 1973, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of September, 1973.

CHARLES W. WESTERMAN CITY CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

September 20, 1973

September 26, 1973

Subscribed and sworn to before me this 27th day of September 1973

Notary Public

My commission expires October 25, 1975

Common Council-City of Ft. Wayne  
(Governmental Unit)

To. NEWS-SENT INEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

—

79

2

81

## COMPUTATION OF CHARGES

81 lines, columns wide equals equivalent lines at .288¢ cents per line \$ 23.33

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) (2) 1.00

TOTAL AMOUNT OF CLAIM

\$ 24.33

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date September 27, 1973

Title Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that she is Clerk of the NEWS-SENT INEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

September 20, 1973

September 26, 1973

Subscribed and sworn to before me this 27th day of September 1973

Notary Public

My commission expires October 25, 1975

Notice is hereby given that on the 11th day of September, 1973, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. Z-73-02-09 Z-12-73 Zoning Map Ordinance, to-wit:

BILL NO. Z-73-02-09

Zoning Map Ordinance

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. E1, E2, F1, F2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B district under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1966, as amended by General Ordinance No. 2336 and amendments thereof, and the symbols of the City of Fort Wayne Zoning Map No. E1, E2, F1, F2 referred to therein, established by Section 5, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

W. 26 ft., Lot No. 3, Lot No. 4, 5 and 6 Homestead Park Addition and Lot No. 1, 2 and 3 Litchfield Addition

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

JOHN NUCKOLS, Councilman  
Read the third time in full and on motion by Nuckols, seconded by Tolacio, and duly adopted, placed on its passage.PASSED by the following vote:  
Ayes: Nine—Burns, Hingo, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Slier, Tolacio

Nays: None

Date: 9-11-73

Charles W. Westernman City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-12-73 on the 11th day of September, 1973.

ATTEST: (SEAL)

Charles W. Westernman Winfield C. Moses, Jr.

City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of September, 1973, at the hours of 10:00 o'clock A.M., E.S.T.

Charles W. Westernman City Clerk

Approved and signed by me this 12th day of September, 1973, at the hour of 3:00 o'clock P.M., E.S.T.

Ivan A. Lebarnoff Mayor

I, Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Zoning Map Ordinance No. A-12-73 passed by the Common Council on the 11th day of September, 1973, and that said Ordinance was duly signed and approved by the Mayor on the 12th day of September, 1973, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of September, 1973.

CHARLES W. WESTERMAN CITY CLERK